

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/07  
 LAST UPDATED 3/09/07      HB 902/aSCORC

SPONSOR Saavedra

SHORT TITLE State Police Authority to Close Highways      SB \_\_\_\_\_

ANALYST Peery-Galon

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	NA	Unknown	Unknown	Unknown	Recurring	Unknown

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From  
 Department of Public Safety (DPS)  
 New Mexico Municipal League

No Responses Received From  
 Department of Transportation (DOT)  
 Association of Counties (AOC)

### SUMMARY

#### Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendment to House Bill 902 strikes page 2, lines 2 through 12 and inserts new language. The new language amends the proposed legislation to require the state police to use all means necessary to reroute traffic around an accident or incident using lanes, shoulders, frontage roads or alternative routes that are available and physically unaffected by the accident or incident. The Department of Transportation is to be notified of highway closures as soon as practicable and assist the state police with traffic control. During any investigation where evidence is present in the travel portion of the roadway, such evidence shall be documented and collected first. Any other law enforcement agency investigating an accident or incident where the investigating agency believes closure of the highway is necessary is to contact the state police immediately. The state police will evaluate the emergency situation and determine if the closure is necessary. The state police are to make the final determination regarding the length of time it is necessary to have the highway closed and other law enforcement agencies are to adhere to the directions of the state police.

Synopsis of Original Bill

House Bill 902 amends Section 66-7-11 NMSA 1978 to provide in the case of an emergency situation the temporary closer of highways provided that a lane, shoulder or verge bordering the state highway within the right-of-way boundaries is passable by motor vehicle without presenting a substantial danger to vehicular travel. The proposed legislation states the state police is to engage in traffic control to route traffic in both directions, around or past the emergency incident in the lane or shoulder or verge. House Bill 902 states that the state police is not to close a state highway or a portion of that highway as a crime scene if the highway or portion is passable and physically unaffected by the emergency condition.

**FISCAL IMPLICATIONS**

NM Municipal League states the proposed legislation may require the deployment of additional officers to provide the required traffic control in certain circumstances.

**SIGNIFICANT ISSUES**

DPS notes it is a priority during any road closure to identify alternative routes of travel until the reopening of the road. Road closures due to accidents, incidents and other emergencies change from minute to minute due to unforeseen circumstances. Decisions must be made by personnel on the scene to ensure a quality investigations and public safety. DPS states the proposed legislation fails to address when another agency closes a state highway and fails to notify the state police of the closure.

DPS states the proposed legislation regarding the closure of the highway regarding a crime scene is too restrictive. There may not be physical blockage of the highway, but there could be evidence such as blood or tissue that may have to be recovered from the highway. DPS states concern if the state police fails to present quality evidence to successfully prosecute a case.

NM Municipal League states the proposed legislation could result in the requirement to deploy additional resources to the scene and might diminish access to the scene to investigate and remediate the scene. NM Municipal League states the requirement of keeping the highway open could generate additional traffic control issues due to people's natural tendency to slow down and gawk.

**ALTERNATIVES**

DPS suggests adding wording to current statute directing state police, with the assistance of the transportation department, to identify alternative routes of travel and clear the accident or crime scene from the roadway as expeditiously as possible. DPS also suggests adding wording to current statute directing all law enforcement agencies to immediately contact the New Mexico State Police when they have closed a highway for an accident, incident or other emergency. The state police can then evaluate the situation and determine if the closure is necessary and with the assistance of the agency that initially closed the highway, identify and direct traffic to alternative routes. The state police would have the final determination regarding the length of time it is necessary to have the highway closed.